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In re Application of	:	DECISION ON
William L. Rubin	:	
Application No.: 10/574,991	:	
PCT No.: PCT/US2004/030170	:	
Int. Filing Date: 15 September 2004	:	PETITION UNDER
Priority Date: 17 September 2003	:	
Attorney's Docket No.: RU271	:	
For: ATMOSPHERIC TURBULENCE HAZARD	:	
DETECTOR	:	37 CFR 1.181

This decision is in response to the "Communication" received 21 July 2006, which is being interpreted as petition under 37 CFR 1.181 indicating that the executed Declaration was properly filed in the international stage for the above application.

### **BACKGROUND**

In a decision from this Office on 06 July 2006, the petition for revival filed on 08 April 2006 was granted. The decision, however, stated that the executed declaration could not be accepted at such time because of the failure to pay the surcharge set forth under § 1.492(h) for submitting the declaration after the date of commencement.

In response to the "Decision" mailed on 06 July 2006, on 21 July 2006, applicants filed the current petition starting that an executed declaration was filed under Rule 4.17, and a copy of this, Sheet No. 3 of the REQUEST, accompanied the petition.

### **DISCUSSION**

A review of the file reveals that the USPTO had received the executed Declaration on 15 September 2004 submitted under PCT Rule 4.17.

### **DECISION**

The petition under 37 CFR 1.181 is **GRANTED**.

The executed declaration was submitted timely, and the statement in the last decision that the executed declaration could not be accepted was in error. The executed declaration is accepted as being timely.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **08 April 2006.**

A handwritten signature in black ink, appearing to read "R. Bacarés", with a horizontal line extending from the end of the signature.

Rafael Bacarés

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